

2005年10月21日 13時24分

光學國際特許事務所



NO. 2057 P. 2

Our ref: KOY-27

Client's ref: F0996-US.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: K. FUKUSAKA et al: Art Unit: 1752

Serial No. : 10/808,580

Examiner: G. Letscher

Filed : March 24, 2004

Title : PHOTOTHERMOGRAPHIC  
IMAGING MATERIAL

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DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r:

I, Soc Man Ho Kimura, hereby declare and say as follows:

1. I am one of the inventors of the present invention.
2. I earned a Doctorate Degree in Chemistry from the Tokyo University of Agriculture and Technology in March 2000.

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Since 1991, I have been employed by Konica Corporation (now Konica Minolta Holdings, Inc.), the Assignee of the above-referenced application. During my employment at Konica, I have engaged in research and development in the field of photographic materials.

3. I am aware that the Examiner has rejected the above-referenced application based on EP 1079269 (EP '269), EP 1035430 (EP '430), US 6,413,711 (US '711), US 6,492,102 (US '102) and US 6,677,113 (US '113). Tests have been performed and are reported herein to demonstrate the superiority of a photographic material having a compound of formula (1) and a compound of formula (7) of the invention. These tests were performed by myself or under my direct supervision and control.
4. Sample A was prepared in accordance with Sample 2-1 in Table 2 at col. 67 of US '102, except that colorant No. 43 was replaced by colorant No. 45 in cols. 31-32 of US '102, and reducing agent A-3 at col. 65 of US '102 was replaced by reducing agent A-4 at col. 48 of US '102. Colorant No. 45 of US '102 is representative of formula (1) of the present invention. Reducing agent A-4 of US '102 is outside the scope of formula (7) of the present invention.

5. Sample B was prepared in accordance with Sample A, except that reducing agent A-4 was replaced by reducing agent 3-1 at page 49 of the present invention. Reducing agent 3-1 falls within the scope of formula (7) of the present invention.
6. Sample C was prepared in accordance with Sample A, except that reducing agent A-4 was replaced by reducing agent 3-72 at page 57 of the present invention. Reducing agent 3-72 falls within the scope of formula (7) of the present invention.
7. Samples A through C were evaluated for photographic performance in accordance with the evaluation method described at pages 191-195 of the present invention. The compositions of Samples A through C are shown in the attached Table 1 while the evaluation results are shown in the attached Table 2.
8. Table 2 demonstrates that Inventive Samples B and C having a colorant of formula (1) and a reducing agent of formula (7) of the present invention are superior to Comparative Sample A without a reducing agent of formula (7) of the present invention. Specifically, Table 2 shows that

Inventive Samples B and C are superior to Comparative Sample A in terms of Dmin, sensitivity, Dmax, process environment Asensitivity, light resistance and shelf life stability.

9. I believe that the results shown in Table 2 are both surprising and unexpected based on the teachings of EP '269, EP '430, US '711, US '102 and US '113.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

  
Soc Man Ho Kimura

Dated: This 19<sup>th</sup> day of October, 2005.

Encl: Table 1 and Table 2

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TABLE 1

SAMPLE	PHOTOSENSITIVE COLORANT	REDUCING AGENT	REMARKS
A	No.45	A-4	COMP.
B	No.45	3-1	INV.
C	No.45	3-72	INV.

COMP.: Comparative, INV.: Inventive

TABLE 2

SAMPLE	$D_{min}$	SENSITIVITY	$D_{max}$	PROCESS ENVIRONMENT $\Delta$ SENSITIVITY	LIGHT DURABILITY $\Delta D_{min2}$	SELF LIFE IN FRESH STATE $\Delta D_{min2}$	REMARKS
A	100	100	100	100	100	100	COMP.
B	77	120	121	78	69	67	INV.
C	75	123	127	76	66	65	INV.

COMP.: Comparative, INV.: Inventive

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